

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 05-00611 WHA

Plaintiff,

v.
DALE SCOTT HEINEMAN; KURT F.
JOHNSON; THE DOREAN GROUP;
WILLIAM JULIAN; FARREL J.
LECOMPTE, JR.; SARA J. MAGOON; and
CHARLES DEWEY TOBIAS,

**ORDER REQUESTING BRIEFING
ON PROPOSED ORDER**

Defendants.

The government proposes an order setting a procedure to handle requests to modify an injunction issued in *United States v. Heineman*, Case No. C 05-2730 WHA. The government states that the order should be filed in this *criminal* prosecution despite the fact that the injunction was entered in a different, *civil*, action. The government cites only 18 U.S.C. 1345(b) as authority supporting its position. Section 1845(b) provides that “[a] proceeding under this section is governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.” This text does not support filing the order in the criminal action. The

1 government **SHALL FILE A STATEMENT CLARIFYING THIS ISSUE BY NOON, THURSDAY, JUNE**
2 **22, 2006.**

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4 **IT IS SO ORDERED.**

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6 Dated: June 19, 2006

Wm. Alsup

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WILLIAM ALSUP
8 UNITED STATES DISTRICT JUDGE